

HB 2342-S2 - DIGEST

(DIGEST AS ENACTED)

Declares an intent to establish an electronic registry to improve access to health care decision-making documents. The registry would support, not supplant, the current systems for advance directives and mental health advance directives by improving access to these documents.

Declares an intent that the registry would be consulted by health care providers in every instance where there may be a question about the patient's wishes for periods of incapacity and the existence of a document that may clarify a patient's intentions.

Directs the department of health to establish and maintain a statewide health care declarations registry containing the health care declarations identified in this act as submitted by residents of Washington. The department shall digitally reproduce and store health care declarations in the registry. The department may establish standards for individuals to submit digitally reproduced health care declarations directly to the registry, but is not required to review the health care declarations that it receives to ensure they comply with the particular statutory requirements applicable to the document.

Provides that, by December 1, 2008, the department shall report to the house and senate committees on health care the following information: (1) Number of participants in the registry;

(2) Number of health care declarations submitted by type of declaration as defined in this act;

(3) Number of health care declarations revoked and the method of revocation;

(4) Number of providers and facilities, by type, that have been provided access to the registry;

(5) Actual costs of operation of the registry;

(6) Donations received by the department for deposit into the health care declarations registry account, created in this act by type of donor.

Declares that the establishment of a health care declarations registry does not create any new or distinct obligation for a provider to determine whether a patient has a health care declaration.

Declares that a provider is not subject to civil or criminal liability or sanctions for unprofessional conduct under the uniform disciplinary act, chapter 18.130 RCW, when in good faith and without negligence: (1) The provider provides, does not provide, withdraws, or withholds treatment to a patient in the absence of actual knowledge of the

existence of a health care declaration stored in the health care declarations registry established in this act;

(2) The provider provides, does not provide, withdraws, or withholds treatment pursuant to a health care declaration stored in the health care declarations registry established in this act in the absence of actual knowledge of the revocation of the declaration;

(3) The provider provides, does not provide, withdraws, or withholds treatment according to a health care declaration stored in the health care declarations registry established in this act in good faith reliance upon the validity of the health care declaration and the declaration is subsequently found to be invalid; or

(4) The provider provides, does not provide, withdraws, or withholds treatment according to the patient's health care declaration stored in the health care declarations registry established in this act.

Provides that, except for acts of gross negligence, willful misconduct, or intentional wrongdoing, the department of health is not subject to civil liability for any claims or demands arising out of the administration or operation of the health care declarations registry established in this act.